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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/533,644	03/22/2000	Stefan Georg Hild	5577-190	8781
7590	02/27/2004			EXAMINER
Timothy J. O'Sullivan Myers Bigel Sibley & Sajovec Post Office Drawer 37428 Raleigh, NC 27627			STULBERGER, CAS P	
			ART UNIT	PAPER NUMBER
			2132	
DATE MAILED: 02/27/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/533,644	HILD ET AL.
	Examiner	Art Unit
	Cas Stulberger	2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-60 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 March 2000 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4 and 6.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

(e) the invention was described in –

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1-2, 21-22, and 41-42 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication U.S. 2001/0020242 A1 to Gupta et al.

4. In regards to claims 1, 21, and 41, Gupta discloses that in order to access the internet, an ISP is utilized. In order to utilize an ISP and off-line relationship between the user and the ISP is established wherein the user sets up an account with the ISP by supplying the user's name, address, and other relevant information (Gupta: page 4, paragraph 0053). This meets the

limitation of “generating, at the client, a profile document containing profile information associated with the client.” The ISP assigns a user name, password, and a static IP address (Gupta: page 4, paragraph 0053). This meets the limitation of “incorporating in the profile document a designator which indicates that the profile information is not provided by the client and is provided by a network intermediary in a path between the client and the server.” Profile information may be collected and maintained by a proxy in an Online Profile Management System. All URL requests, text, and other information are transmitted from the client to the proxy. The proxy copies this information and stores it locally in a raw database (Gupta: page 4, paragraph 0057). This meets the limitation of “transmitting the profile document with the designator from the client to the server utilizing the path.”

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 12-15, 19, 23, 32-35, 39, 43, 52-55, and 59, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication U.S. 2001/0020242 A1 to Gupta et al as applied to claims 1, 21, and 41 above, and further in view of U.S. Patent Application Publication 2002/0010776 A1 to Lerner.

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7. In regards to claims 13-15, 19, 33-35, 39, 53-55, and 59, Gupta however does not disclose “parsing the decrypted portion of the profile document to determine if a designator is provided in the decrypted portion of the profile document which indicates that profile information identified by the designator is to be incorporated into the profile document by the network intermediary.”

Lerner however discloses the message broker (intermediary) provides the updated user information from the parsed and optionally decrypted message to the shared product database resident at the central server (Lerner: page 7, paragraph 0067). This meets the limitation of “parsing the decrypted portion of the profile document to determine if a designator is provided in the decrypted portion of the profile document which indicates that profile information identified by the designator is to be incorporated into the profile document by the network intermediary.”

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the method of sending profile information through an intermediary to the server as disclosed by Gupta with the method of decrypting, parsing, and updating the profile at the intermediary before sending the profile to the server as disclosed by Lerner in order to update the user cookie profile to reflect the user event based on the message received (Lerner: page 7, paragraph 0067).

8. In regards to claims 3, 12, 23, 32, 43, and 52, Gupta does not disclose encrypting the profile document.

Lerner discloses encrypting the cookie file with a key identified by the key ID. The cookie access library looks up the key in the configuration file using the key ID in the cookie file

(Lerner: page 6, paragraph 0058, 0063). This meets the limitation of “encrypting the designator in the profile document utilizing a key associated with the client.”

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the method of transmitting the profiles from the client to the server as disclosed by Gupta with the method of encrypting the profile with the key associated with the client as disclosed by Lerner in order to preserve the security of the message being transmitted (Lerner: page 5, paragraph 0048).

9. Claims 4-11, 16-18, 20, 24-31, 36-38, 40, 44-51, 56-58 and 60, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication U.S. 2001/0020242 A1 to Gupta et al in view of U.S. Patent Application Publication 2002/0010776 A1 to Lerner as applied to claims 3, 12, 14, 23, 32, 34, 43, 53, and 54 above, and further in view of U.S. Patent No 6,205,553 B1 to Stoffel et al.

In regards to claims 4-11, 16-18, 24-31, 36-38, 44-51, 56-58, Gupta does not disclose a private key or a token as a random number.

Stoffel discloses the user provides a digital profile to a service provider and encrypts a random number (token) using the secret key (private key) (Stoffel: column 2, lines 8-13). This meets the limitations of “encrypting the designator utilizing a private key associated with the client to provide the encrypted designator; wherein the wildcard designator comprises a client identification associated with the client, a token and an encrypted value and wherein the step of encrypting the wildcard designator comprises the step of encrypting the token so as to provide the encrypted value; wherein the step of encrypting the token further comprises the step of

encrypting the token and a predefined character string; wherein the token is a randomly generated value.”

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the method of encrypting a user profile as disclosed by Gupta with the method of encrypting using a private key and including an encrypted token as disclosed by Stoffel in order to initiate a secure transaction between the user and the service provider (Stoffel: column 2, lines 8-9).

10. In regards to claims 20, 40, and 60, Gupta does not disclose “utilizing a private key of the network intermediary.”

Stoffel also discloses that on service provider holds a second public key and a second secret key. The service provider signs or encrypts the profile of the user by means of the second secret key (Stoffel: column 2, lines 20-25). The second secret key meets the limitation of “utilizing a private key of the network intermediary.”

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the method of sending a client profile to an intermediary as disclosed by Gupta with the method of encrypting the client profile with the private key of the network intermediary as disclosed by Stoffel in order to authenticate the user (Stoffel: column 2, line 30).

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cas Stulberger whose telephone number is (703) 305-8034. The examiner can normally be reached on Monday - Friday, 9:00A.M. - 5:00P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CS

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